

Aspects of the Personality Protection of Medical Doctor and a Patient

Abstract

I have been dealing with the subject of personality protection since my master studies. I have been involved in protection of personality in student scientific conferences, in student scientific work, in my thesis, in my doctor thesis and in other publications as well. The topic “*Aspects of Personality Protection of a Medical Doctor and a Patient*” follows my previous professional publications on personality protection.

The presented dissertation is compositionally sorted from general parts to specific parts. From the introduction, which defines the assignment and the tasks of presented dissertation, follows the historical outline and definition of terms. After that there is a section describing the rights and duties of a medical doctor and a patient within providing health services and a description of the specifics of a legal relationship that arises between a doctor and a patient (health care contract according to the Czech Civil Code). The next chapters deal with protection of personality from the perspective of medical law. They are followed by the topic of personal data protection in medical law, which, in my opinion, deals with the protection of personal data not only for the patients but also for the medical doctors. The following two chapters deal with the means of protecting the personality, i.e. the possible procedure in case of breaching the personality rights. This topic is drawn from perspective of civil and criminal law. Before the conclusion, there are two evaluation chapters, one of them deals with the comparison of the quality of medical care and the protection of the personality of the doctor and patient in the Czech Republic and abroad and the other is devoted to *de lege ferenda* considerations. They are followed by conclusion that evaluates the processing at the outset of the objectives.

The main methods of the submitted dissertation thesis included the research of academic texts and the case law of the general courts of the Czech Republic and also on the basis of a review of decisions of the Constitutional Court. The submitted dissertation sources were also the decisions of international courts. I also used academic legal literature, both domestic and foreign. In some cases, I compare the Czech doctrine's findings with foreign publications in order to get the most objective outcomes.

The primary task of this thesis is to fulfil the conditions set for doctoral thesis. However, I believe that this dissertation will also find other practical applications for readers, lawyers, but also among doctors and patients, and might be a tool of (medical law) legal awareness increase.

Key words: Personality protection, medical law, medical doctor, patient, personal data, criminal law.